

Notice of Allowability

Application No.

10/022,857

Examiner

Joseph R. Pokrzywa

Applicant(s)

SUZUKI, MINORU

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment dated 1/6/06.
2. ☒ The allowed claim(s) is/are 1 and 3-20 (renumbered as claims 1-19, respectively).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Joseph R. Pokrzywa
Primary Examiner
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DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 1/6/06, and has been entered and made of record. Currently, **claims 1 and 3-20** are pending.

Response to Arguments

2. Applicant's arguments, see pages 11-14, filed 1/6/06, with respect to the rejection of the now canceled claim 2, which has been incorporated into independent claims 1 and 15, which was cited in the Office action dated 10/6/05 as being anticipated by Tanimoto (U.S. Patent Application Publication 2002/0080414), have been fully considered and are persuasive. Therefore, the newly amended claims 1 and 15 fail to be anticipated by the reference, and the rejection has been withdrawn.

Allowable Subject Matter

3. **Claims 1 and 3-20** are allowed (**renumbered as claims 1-19, respectively**).

4. The following is an examiner's statement of reasons for allowance:

Regarding *claims 1 and 15 (renumbered claims 1 and 14, respectively)*, in the examiner's opinion, it would not have been obvious to have the systems as claimed, include the features of comparing the encoding mode for the received fax image data and an encoding mode for the Internet-fax data to be used at the in-system Internet terminal, a detector to detect whether or not there is a match between the encoding mode for the received fax image data and the

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encoding mode for the Internet-fax data, and a data switch to output the fax image data to the converter if there is a match in a comparison result at the detector whereas to output the Internet-fax image data generated in the system to the converter if there is no match. While the examiner did initially reject dependent claim 2, (which included the above noted limitation), using the reference of Tanimoto (U.S. Patent Application Publication 2002/0080414), upon reconsideration of the reference, the examiner concedes that Tanimoto fails to expressly disclose these features. Further, the examiner can find no motivation to combine any other prior art to have the systems, as claimed. Therefore, the claims are rendered allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Citation of Pertinent Prior Art

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Sekiguchi (U.S. Patent Number 6,288,799) discloses an image communication apparatus that can control the transmission of data through the Internet.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (571) 272-7410. The examiner can normally be reached on Monday-Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph R. Pokrzywa
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Art Unit 2625



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